

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Autor, Jeffrey S.; et al.

Serial No.: 09/965,893

Filed: 28 September 2001

For: Method for Interrogating and
Proliferating a Rack Name in a
Rack of Servers

Group Art Unit: 2157

Examiner: Todd, Gregory G.

Atty. Docket: 200302145-1

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

1/2/07
Date

Debi Bonacquisti
Debi Bonacquisti

Sir:

**DECLARATION OF PRIOR CONCEPTION AND DILIGENT REDUCTION
TO PRACTICE IN THE UNITED STATES TO OVERCOME CITED
PATENT OR PUBLICATION (37 CFR 1.131)**

This declaration is to establish conception and reduction to practice of the claimed inventions prior to 5 September 2001, the filing date of the patent application entitled, "System and Method for Determining Location and Status of Computer System Server", by Ip (U.S. Application Publication No. 2003/0046339).

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The applicant would like to note the following of which the examiner needs to be aware:

- Hewlett Packard Company purchased Compaq Computer Corporation and acquired all rights to property previously held by the latter regarding this invention. A recordation of assignment was made on 12 May 2004 and can be found at reel/frame: 014628/0103. So references below to older documents from Compaq Computer Corporation should be considered as Hewlett Packard Company documents as well, and thus may only constitute an internal disclosure of information unless otherwise noted.
- The inventor, Michael C. Sanders, passed away on 9 December 2001. Per instructions by the examiner during the telephone interview on 5 December 2006, registered mail to the last known address was successfully used to establish contact with the deceased's estate and his signature is being replaced by that of Vivian McDonald-Sanders, his widow and Executor of the Estate of Michael C. Sanders.

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STATEMENT OF FACTS

1. The persons making this declaration are the inventors of the subject matter claimed in the present application.
2. One or more embodiments of the invention claimed in this application were conceived in the United States by the undersigned inventors at least just before 5 September 2001, the filing date of the cited Ip reference.
3. One or more embodiments of the invention claimed in this application were actually reduced to practice in the United States by the undersigned inventors at least just before 5 September 2001, the filing date of the cited Ip reference.
4. The following attached documents are submitted as evidence to establish a conception date and actual reduction to practice at least just prior to 5 September 2001, the filing date of the cited Ip reference:
 - a. Exhibit A attached hereto is a true and correct copy of *Compaq Invention Disclosure* Form and supporting documents, an 8 page document completed by the inventors at least just prior to 5 September 2001 and submitted to the Legal department of Compaq Computer Corporation.

Exhibit A supports the following facts:

- i. Compaq Invention Disclosure Form was submitted on a date, which has been redacted, at least just prior to 5 September 2001 to document past actions of the inventors.
- ii. Compaq Invention Disclosure Form was submitted electronically by the inventors of the subject matter claimed in the present application.
- iii. Compaq Invention Disclosure Form was received by the Legal Department in its present form on a date, which has been redacted, at least just prior to

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5 September 2001 as evidenced by the electronic stamp in the upper left corner of page 1.

- iv. Compaq Information Disclosure Form states that at the time of the disclosure form's submission the invention had been actually reduced to practice (page 4, question 4A.) Further, the disclosure form states the invention was tested and the test was successful (page 4, question 4B(iii and iv.) This is also supported by the responses to question 5 which state that the invention has been incorporated into a Compaq product which had yet to be offered for sale to the public (page 4, questions 5A and 5B.)
 - v. Compaq Information Disclosure Form list the three of the four inventors of the subject matter claimed in the present application (pages 1 - 2, questions 2A - 2C.) Further analysis of the claimed material later necessitated the addition of the forth inventor, Mr. Sanders, prior to the original application filing.
- b. Exhibit B attached hereto is a true and correct copy of *Certificate of Death* for Michael C. Sanders issued by the Bureau of Vital Statistics, Houston Health and Human Services Department.

Exhibit B supports the following facts:

- i. Michael C. Sanders passed away on 9 December 2001, and therefore is incapable of signing the affidavit. His widow, Vivian McDonald-Sanders, by her signature below asserts that she is the Executor of the Estate of Michael C. Sanders, and has rights to sign on his behalf as stated in C.F.R. 37 §1.42 page R-43 of the Manual of Patent Examining Procedure.

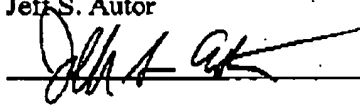
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5. We hereby declare that all statements made herein are true; that these statements are made from our own knowledge; that these statements are made with knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

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SIGNATURES

Full name of inventor: Jeff S. Autor

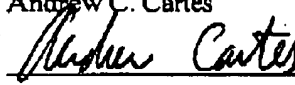
Inventor's signature: 

Date: 2 Jan 2007

Country of Citizenship: United States of America

Inventor's Address: Houston, TX 77070

Full name of inventor: Andrew C. Cartes

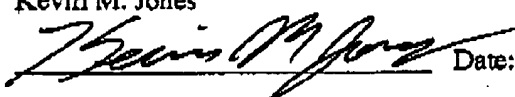
Inventor's signature: 

Date: 2 Jan 2007

Country of Citizenship: United States of America

Inventor's Address: Houston, TX 77070

Full name of inventor: Kevin M. Jones

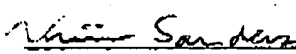
Inventor's signature: 

Date: 2 Jan 2007

Country of Citizenship: United States of America

Inventor's Address: Houston, TX 77070

Full name of inventor: Michael C. Sanders (Vivian Sanders, Executor of the Estate)

Inventor's signature: 

Date: 2 Jan 2007

Country of Citizenship: United States of America

Inventor's Address: Houston, TX 77070

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Exhibit: A

Title: Compaq Invention Disclosure

Description: Electronic Invention Disclosure Statement

Pages: 8

Date: Redacted (prior to 5 September 2001)

Redacted: ☒ YES ☐ NO

COMPAQ

(For Legal Dept. use only)

ID No: P01-3593

Date Received: [REDACTED]

INVENTION DISCLOSURE

PREPARED AND SUBMITTED AT THE REQUEST AND DIRECTION OF AN ATTORNEY
 RETURN COMPLETED FORM TO DIANE STRONG VIA E-MAIL TO DIANE.STRONG@COMPAQ.COM

1. **DESCRIPTIVE TITLE OF INVENTION:** Method for proliferating rack name [REDACTED]

2. **INVENTOR (S):** More than two? ☒ Yes ☐ No (If more than two, use last page.)

A.

Last Name	Given First Name	Nickname (if any)	Middle Initial/Name
Autor	Jeff		S
Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Supervisor	Name of Employer (If NOT an employee of Compaq)		

B.

Last Name	Given First Name	Nickname (if any)	Middle Initial/Name
Cartes	Andrew		C
Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Supervisor	Name of Employer (If NOT an employee of Compaq)		

ADDITIONAL INVENTORS:

C.

Last Name Jones	Given First Name Kevin	Nickname (if any)	Middle Initial/Name Mark
Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Supervisor		Name of Employer (If NOT an employee of Compaq)	

D.

Last Name	Given First Name	Nickname (if any)	Middle Initial/Name
Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Supervisor		Name of Employer (if NOT an employee of Compaq)	

E.

Last Name	Given First Name	Nickname (if any)	Middle Initial/Name
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Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Supervisor		Name of Employer (If NOT an employee of Compaq)	

3. CONCEPTION OF INVENTION:

- A. When did you first think of this invention? _____
- B. Date of first written description? _____
- C. Please attach the first written description. (If submitting in electronic format, please scan all attachments and send).
- D. If you can not send the first written description, please explain why and state where it can be found. The first written description was on a whiteboard and transferred to the Personal Ledger Book of Andrew Cartes
- E. Please list the name of others in Compaq to whom you've described the invention: _____

4. IMPLEMENTING THE INVENTION

- A. Has the invention been implemented? ☒ Yes ☐ No ☐ Don't know
(Implementations can include physical prototypes, software, models, and simulations).
- B. If implemented, please do not destroy, alter, or modify the implementation(s) without the authorization of the Compaq Legal Department, and answer the following questions for each implementation.
- I. When was it implemented? _____
- II. Where is the implementation now? (Attach or scan and send photograph, if possible) _____
- III. Has the implementation been tested? Yes
- IV. If so, was the test successful? Yes

5. USE OR SALE OF INVENTION:

- A. Has this been or will this be incorporated into a Compaq product? ☒ Yes ☐ No
If so, for each such product identify:
- I. When was it or will it be incorporated into the product? _____
- II. Code name: _____
- III. Street name: _____
- B. Has the invention been offered for sale or sold to anyone (e.g. an end user, vendor, reseller, partner, etc.)
☐ Yes ☒ No ☐ Don't know
- I. If so, when: _____
- II. If so, to whom (name of company or individual): _____
- C. If you don't know whether the invention has been offered for sale or sold, please provide the name of the best person to contact to determine when the invention has been or will be offered for sale or sold: _____

NOTE: Please inform Compaq Legal immediately if, in the future, any of your answers under this Section 5 change so that we have ample opportunity to protect the invention within the time limits set out by law.

6. DISCLOSURE OF INVENTION TO OTHERS

- A. Has a disclosure of the invention been made to any person(s) who is NOT a Compaq employee (including contractor, temporary, vendor, reseller, or partner and including conference presentations or journal articles)?
☐ Yes ☒ No ☐ Don't know
- B. If a disclosure was made, when was it made? _____
- C. To whom was the disclosure made? _____
- D. Was the disclosure made under an obligation of confidence? (e.g. Nondisclosure Agreement)
☐ Yes ☐ No ☐ Don't know

7. DESCRIPTION OF THE INVENTION (continue on extra sheets as necessary)

- A. To what type of technology does your invention relate? (Check all that apply)

CPU Technologies

- ☐ Keyboard/Mouse/Other Input Device
☐ Graphics Architecture
☐ Audio
☐ Memory
☐ Buses (ISA, EISA, PCI, AGP, other)
☐ Power Supplies/Batteries
☐ Other: _____

Communications Technologies

- ☐ Network Interface Card
☐ Hubs/Concentrators
☐ Routers
☐ Switches
☐ Modems
☐ Remote Access
☐ Other: _____

Peripherals Technologies

- ☐ Monitors/Screens
☐ CD-ROM
☐ DVD
☐ Tape Drives
☐ Disk Storage Systems
☐ Disk Controllers
☐ Printers
☐ Storage
☐ Other: _____

Feature/Software Technologies

- ☐ Multiprocessor
☒ Fault Tolerance
☒ Remote Control
☐ Power Management
☐ Security
☒ Intelligent Manageability
☐ Smartstart
☒ Insight Manager
☐ Other: _____

Other

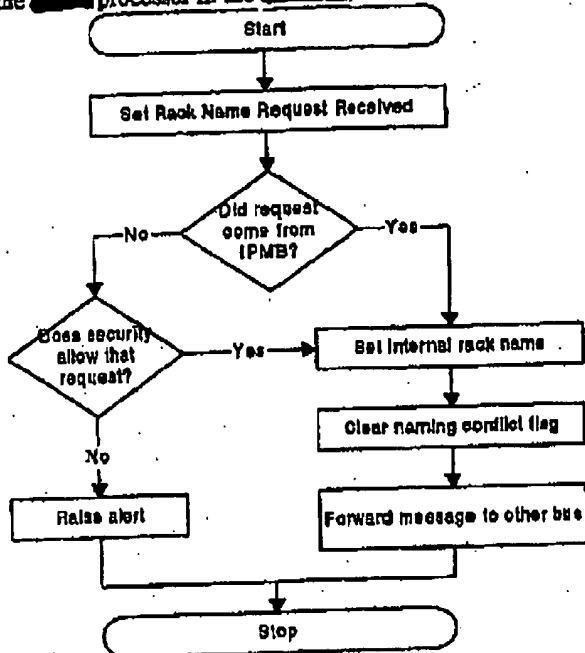
- ☐ Manufacturing Processes
☐ Mechanical (functional)
☐ Mechanical (ornamental)
☐ PC/TV
☒ Racks
☐ Other: _____

- B. Describe the general subject matter of the invention. This mechanism allows a rack name to proliferate to all members in the rack, while providing for: rack name conflicts (multiple rack members have different names); unassigned rack names (any rack member with a name shares it with others provided there are no known conflicts); security mechanism to prevent name proliferation between systems that are not intended to share properties, for example, where an ISP leases rack equipment to different customers; notification when a rack name conflict is detected.

- C. Describe the particular problem faced by those working in the subject matter area. Datacenters that contain numerous systems need mechanisms to identify the system, whether by purpose, owner, function, location, or another mechanism suitable to the datacenter. This mechanism allows a logical rack name to proliferate through all components within the rack automatically, including when equipment is added to an existing rack, and when a rack name is assigned. This mechanism uses rack infrastructure rather than mechanisms within an OS to establish rack name.
- D. Describe the old method(s) of performing the functions of the invention. Manually assign server information. However, when the server is relocated, the information must be reassigned. This method only applied to equipment that was capable of storing rack data, otherwise, labels were needed. Additionally, rack information is difficult to share between different operating systems.
- E. Why is the invention better than these old approaches? The old approaches were extremely manual, OS centric, prone to error due to mislabelling, Conflicts are not identified, and the old approach was not automatic. The new mechanism is automatic, rack-centric rather than OS-centric, identifies conflicts, and includes provisions for security.
- F. Attach at least one drawing or sketch of the invention if available.
(Attach or scan and send drawing or sketch in a separate document)
- G. Describe the invention, how it is used, and how it operates. The mechanism is an algorithm distributed among management processors integrated with system chassis. In this implementation, the [REDACTED] processor in the [REDACTED] chassis and the [REDACTED] processor in the [REDACTED] chassis. The mechanism is defined in the attachment "Invention drawing - [REDACTED] Name Propagation.doc".
- H. Describe the construction and structure of the preferred implementation of the invention. The invention is implemented as an algorithm running on management processors [REDACTED] that are part of the various chassis installed in the rack. The algorithm is invoked a rack chassis is told to record the rack name and runs in a decentralized mode, providing robustness and convenience.
- I. Is the invention designed to conform or enhance any industry standard?
☐ Yes ☐ No ☒ Don't Know
If so, what industry standard? _____

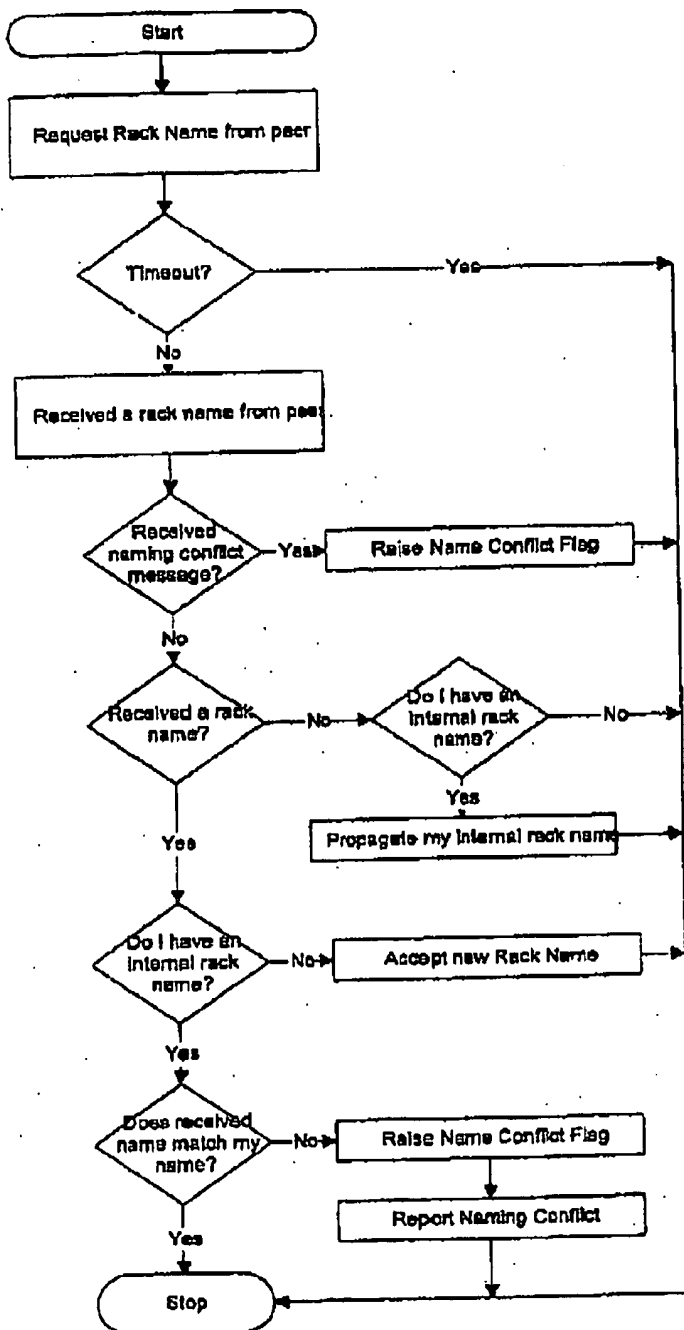
Kevin Jones; Jeff Autor; Andrew Cartes
Compaq Computer Corporation

The mechanism is an algorithm distributed among management processors integrated with system chassis, in this implementation, the [redacted] processor in the [redacted] chassis and the [redacted] processor in the [redacted] chassis. The mechanism is defined as follows:



Kevin Jones, Andrew Cartes, Jeff Autor
Compaq Computer Corporation

The mechanism is an algorithm distributed among management processors integrated with system chassis, in this implementation, the processor in the chassis and the processor in the chassis. The mechanism is defined as follows:



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Exhibit: B

Title: City of Houston, Texas, Certificate of Death

Description: Certificate of Death for Michael C. Sanders

Pages: 1

Date: 21 December 2001

Redacted: ☐ YES ☒ NO

CERTIFICATION OF VITAL RECORD

City of Houston, Texas

STATE OF TEXAS

CERTIFICATE OF DEATH

STATE FILE NUMBER

1. NAME OF DECEASED Michael Carl Sanders		2. SEX Male		3. DATE OF DEATH December 9, 2001	
4. DATE OF BIRTH April 19, 1956		5. PLACE OF BIRTH Houston, Texas		6. SOCIAL SECURITY NO. [REDACTED]	
7. MARITAL STATUS Married		8. DECEASED'S USUAL OCCUPATION Engineer		9. KIND OF BUSINESS OR INDUSTRY Computers	
10. SURVIVING SPOUSE OF DECEASED Vivian Johnson		11. DECEASED'S USUAL RESIDENCE 18327 Champion Forest Dr.		12. CITY OR TOWN Spring	
13. COUNTY Harris		14. STATE TEXAS		15. ZIP CODE 77379	
16. DECEASED'S NAME George Sanders		17. DECEASED'S MARRIAGE NAME Dorothy Bennett		18. DECEASED'S MARRIAGE DATE [REDACTED]	
19. HOSPITAL Harris		20. CITY OR TOWN Houston		21. STATE Texas	
22. DECEASED'S SIGNATURE <i>[Signature]</i>		23. DECEASED'S ADDRESS 18327 Champion Forest Dr. Spring, TX 77379		24. DECEASED'S PHONE NO. [REDACTED]	
25. DECEASED'S DECEASED [REDACTED]		26. DECEASED'S DECEASED [REDACTED]		27. DECEASED'S DECEASED [REDACTED]	
28. DECEASED'S DECEASED [REDACTED]		29. DECEASED'S DECEASED [REDACTED]		30. DECEASED'S DECEASED [REDACTED]	
31. DECEASED'S DECEASED [REDACTED]		32. DECEASED'S DECEASED [REDACTED]		33. DECEASED'S DECEASED [REDACTED]	
34. DECEASED'S DECEASED [REDACTED]		35. DECEASED'S DECEASED [REDACTED]		36. DECEASED'S DECEASED [REDACTED]	
37. DECEASED'S DECEASED [REDACTED]		38. DECEASED'S DECEASED [REDACTED]		39. DECEASED'S DECEASED [REDACTED]	
40. DECEASED'S DECEASED [REDACTED]		41. DECEASED'S DECEASED [REDACTED]		42. DECEASED'S DECEASED [REDACTED]	
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64. DECEASED'S DECEASED [REDACTED]		65. DECEASED'S DECEASED [REDACTED]		66. DECEASED'S DECEASED [REDACTED]	
67. DECEASED'S DECEASED [REDACTED]		68. DECEASED'S DECEASED [REDACTED]		69. DECEASED'S DECEASED [REDACTED]	
70. DECEASED'S DECEASED [REDACTED]		71. DECEASED'S DECEASED [REDACTED]		72. DECEASED'S DECEASED [REDACTED]	
73. DECEASED'S DECEASED [REDACTED]		74. DECEASED'S DECEASED [REDACTED]		75. DECEASED'S DECEASED [REDACTED]	
76. DECEASED'S DECEASED [REDACTED]		77. DECEASED'S DECEASED [REDACTED]		78. DECEASED'S DECEASED [REDACTED]	
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82. DECEASED'S DECEASED [REDACTED]		83. DECEASED'S DECEASED [REDACTED]		84. DECEASED'S DECEASED [REDACTED]	
85. DECEASED'S DECEASED [REDACTED]		86. DECEASED'S DECEASED [REDACTED]		87. DECEASED'S DECEASED [REDACTED]	
88. DECEASED'S DECEASED [REDACTED]		89. DECEASED'S DECEASED [REDACTED]		90. DECEASED'S DECEASED [REDACTED]	
91. DECEASED'S DECEASED [REDACTED]		92. DECEASED'S DECEASED [REDACTED]		93. DECEASED'S DECEASED [REDACTED]	
94. DECEASED'S DECEASED [REDACTED]		95. DECEASED'S DECEASED [REDACTED]		96. DECEASED'S DECEASED [REDACTED]	
97. DECEASED'S DECEASED [REDACTED]		98. DECEASED'S DECEASED [REDACTED]		99. DECEASED'S DECEASED [REDACTED]	
100. DECEASED'S DECEASED [REDACTED]		101. DECEASED'S DECEASED [REDACTED]		102. DECEASED'S DECEASED [REDACTED]	

4133605

STATE OF TEXAS
COUNTY OF HARRIS

CERTIFIED COPY OF VITAL RECORDS

DATE ISSUED DEC 21 2001

This is a true and correct reproduction of the deceased's death record as registered and placed on file in the BUREAU OF VITAL STATISTICS, HOUSTON HEALTH AND HUMAN SERVICES DEPARTMENT.

R. W. Hanks
BUREAU OF VITAL STATISTICSThis copy not valid unless prepared on engraved border displaying seal and signature of Registrar.
LAMINATION MAY VOID CERTIFICATE.